Dear Jim,

12/9/74

In the way we usually work, late last night I finished the draft of about 15,000 words of analysis, comment and suggestions for Jim on Haile's Memorandum for the court that I'll read and correct later today and give to Jim tomorrow, when I have to be in Washington. The time I took and the length of the work are so that he will have a record of whatever I think on each aspect of Haile's words not only for his rebuttal, which has to be done by the end of the week, but for future use, 6th circuit. He'll use whatever he wants or will ask me further. My view is and has been that the real deal will be in the appeals court and there really isn't enough time now for adequate or even minimal response to the concatination of dishonesties and lies and even worse that always typify the prosecutorial work in these cases. Haile in this case reach a new low and my strongest single recommendation is to make the fullest possible record on that, consistent with the mandate of the appeals court, for a "full scale judicial inquiry." Lawyers always shy away from exposing each other and always anticipate that judges, who also are lawyers, will not like it if they do. And there is some hazard in it. But in this case there is no real choice without running a greater hazard, as I see it.

Bud's timidity when faced with such a situation in my suit for the JFK spectrographic analysis made it possible for the Department of Justice to rewrite the FOI law by corrupting the not-unwilling court, Sircia. Jim, who had not yet taken his bars, saw this at over step and learned from it. He did not make the same mistake in my suit for the transcript and in the end, if it was bizarre, we prevailed. The basic reason is that all these cases are basically political and they must be handled with the political never out of mind. Thus when I wanted to take the government and Rankin on horn to horn, Jim was all for it and instead of backing off improved on my affidavits. He is not reluctant to fight and is rapidly learning how to.

He (and Ray) have been the immediate beneficiaries of this latest fight with Bud in which I sent you some of my unrestrained, intemperate reactions. A long and painful history has taught me that he responds to nothing else but generally, if reluctantly, responds to this verbal violence. I was in what you saw and always am factually correct, which makes it hard for him. I suspect that he is not unaware of the miserable things he does after he does them, whether or not he is aware that a sick and uncontrolable ego drives him to them.

The two immediate benefits need not take time now. He has not responded to me in any way, which is consistent. He never does because he can't. He finds some way of justifying himself in his own mind and then does what he should have to begin with. Invariably it costs him more money and he can be a miser.

I think that now, at least through the court of appeals, we'll have the status quo ante again. For all its disadvantages, it now is the only way and we can and should win. Some of the legal mistakes made can't now be rectified. More serious legal problems lie ahead. Sufficient unto the day....

My purpose is writing is to ask a more explicit reading than your silence gives.

If I was not for your project I would have had nothing to do withx it. I think it holds many social values and that if ever again there will be a case like Ray's it can't be for years. Ix am prepared to do what I can and if I did not believe it to be possible would not be writing. I'll be in Washington again on the 16th and I'll again be seeing Jimx then. We stay in touch by phone but long discussion is easier when we are together.

If you have not abandoned it I would like to have what I wrote to ask for just before Bud decided that because there would be no publicity for him in a Ray interview he would be against it. This was the real reason. However, his wanting to know exactly what you have in mind also is reasonable. He and Jim both ought to have it. And now that Jim's assurance that I have no such thing in mind has satisfied Bud that I'm not going to have him (he included Livingston, too) fired and now that his ego demands have been satisfied by abusing me he may well look at the project for what it is. He may also be more reluctant to see what isn't there because he'll have less need to....Meanwhile, Jim and I both will now have to be attending to matters we had to let slide, so I'd like to know, either way, because there is much on which I want to catch up. And promotional efforts I want to make with the book. I've been doing fairly well by radio, by phone. Sincerely,